


PSJ18 WALGREENS Opp Exh 57

From: "Mays, Steve" <SMays@amerisourcebergen.com>
Sent: Wed, 30 Jan 2013 10:11:42 -0500 (EST)
To: "Zimmerman, Chris" <CZimmerman@amerisourcebergen.com>
Cc: "Hazewski, Edward" <EHazewski@amerisourcebergen.com>; "Martin, Eric" <EMartin@amerisourcebergen.com>
Subject: RE: Question on OMP

Chris,

I will confirm, but I believe McKesson indicates on the customer invoice when the customer is at 80%. I'll work on drafting something and will let you review. It will probably take a few days since I will be traveling (or attempting to travel) to Florida this afternoon and tomorrow.

Steve Mays
Senior Director, Corporate Security & Regulatory Affairs

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From: Zimmerman, Chris
Sent: Wednesday, January 30, 2013 9:57 AM
To: Mays, Steve
Cc: Hazewski, Edward; Martin, Eric
Subject: RE: Question on OMP

All statements are correct:

- 1) It is not "illegal" to divulge Threshold Levels (TLs)
- 2) DEA has told us we should not divulge TLs
- 3) ABC policy is not to divulge TLs
- 4) And just because the customer told us what McKesson told them does not mean it is true (if the customer told ABC that McKesson said they will give out product for free, does that mean ABC should give the customer free product...)



Was this issue discussed when you and Ed flew to Chicago to discuss OMP with our counterparts? If so, what was the consensus; if not, I think this should be a topic discussed with Cardinal and McKesson.

Since ABC's position can't get any worse, my recommendation would be to send a formal letter to DEA outlining the issue and requesting a formal opinion. If DEA agrees with ABC policy we can provide that to sales to give to their customers showing that ABC want to make sure you operate in compliance; and if DEA does not agree, then we start telling customers what there threshold levels are.

For some reason, I thought that we, or HDMA, had received something in writing on this issue.

I would send off a letter, return receipt requested, to DEA ASAP – nothing to lose. Let me know if

you want me to review.

Chris

From: Mays, Steve
Sent: Wednesday, January 30, 2013 9:38 AM
To: Zimmerman, Chris
Cc: Hazewski, Edward
Subject: FW: Question on OMP

Chris,

Please review the email below. I have already responded to Ed that we were told by DEA when we put our program together that divulging the customer's thresholds to them and indicating how close they were to hitting the thresholds would allow customers to circumvent the system and not get reported to DEA as suspicious. However, McKesson is using their willingness to provide this information to customers as a marketing strategy to prospect ABC customers. I'm not sure how McKesson would ever report any suspicious orders. I know we have brought this issue up to DEA before without any resolution, but maybe it is time to talk about it again. Thoughts?

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From: Hazewski, Edward
Sent: Tuesday, January 29, 2013 5:03 PM
To: Mays, Steve
Subject: FW: Question on OMP

FYI – see Al Shuster's message below.

From: Martin, Eric
Sent: Tuesday, January 29, 2013 5:01 PM
To: Hazewski, Edward; Tomkiewicz, Joseph
Cc: Garcia, Elizabeth
Subject: FW: Question on OMP

Will one of you please respond to this inquiry
Thanks
Eric

From: Schuster, Albert F.
Sent: Tuesday, January 29, 2013 1:52 PM
To: Martin, Eric
Cc: Antrilli, Joe; Kline, Ron
Subject: Question on OMP

Eric,

I have a new account that is being prospected by McKesson. He has lost a few customers due to hitting OMP with us and not being able to fulfill the order. It is Mt Pleasant Pharmacy 010-222638.

He indicates that McKesson has told him that they CAN let him know what his exact OMP level will be for a family of controls. They will also send him notification when he gets within 80% of those levels. Additionally, he called the DEA and they told him that there is nothing illegal in regard to a wholesaler giving out limit numbers.

This is contrary to our information that I give customers....that we CANNOT, not WILL NOT, give out the information. My credibility is based upon my accuracy. Thus, is it that we as a company have decided not to give this number, or is it a hard requirement of an OMP program with the DEA to not supply this number?

Please advise as this is an important conversation with any prospect and I need to know if I am misquoting.

Thanks,

Al

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